

# **PREVENTIVE MEDIATION SERVICES**

## **INFORMATION**

### **ON**

## **LABOUR MANAGEMENT COMMITTEES**



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## General Definition and Purpose

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- ▶ ..... A non-adversary forum in which parties can discuss items of mutual concern.
- ▶ ..... A mechanism which allows the two parties to live together productively and cooperatively during the term of the agreement.
- ▶ ..... A means of communicating and hopefully developing a better understanding of each others role.
- ▶ ..... Not a substitute for the grievance procedure or contract negotiations but can contribute to making both more effective.

## **Indicators that an Labour Management Committee is required**

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- ▶ ..... An unusually high number of grievances, or repetitive grievances on the same issues.
- ▶ ..... Lack of use or improper use of the grievance procedure.
- ▶ ..... Few settlements of grievances in lower steps or an excessive number of arbitration cases.
- ▶ ..... Frequent disciplinary actions flowing from rigid enforcement of shop rules.
- ▶ ..... A larger number of “Relationship-Type” demands during contract negotiations.
- ▶ ..... Distrust that breeds poor attitudes at the bargaining table.
- ▶ ..... An indication of economic crisis within a company, i.e., partial plant closure, low reproductivity, poor quality, inability to compete.
- ▶ ..... A breakdown of communications at all levels.
- ▶ ..... An unwieldy union structure.
- ▶ ..... An unwieldy management structure.

## **Why establish a Labour Management Committee**

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- ▶ ..... Provides an opportunity for frank and free discussion on issues confronting both the union and management.
- ▶ ..... Enables both parties to deal with common problems before they become serious.
- ▶ ..... Facilitates a focusing and probing of expertise from all areas in the operation.
- ▶ ..... Creates an improved labour/management atmosphere.
- ▶ ..... If no communication takes place between union and management during the life of the contract it means that the parties meet only during the tense atmosphere of collective bargaining.
- ▶ ..... When the contract comes up for renegotiation there is a greater possibility that matters can be settled more quickly if all the preliminaries have already been discussed.
- ▶ ..... Evidence shows that where union and management endeavor to solve their problems as they arise there are reductions in the number of formal grievances and quicker settlements of collective agreements.
- ▶ ..... When employees are given the same respect in the workplace as they receive in their communities they generally become responsible employees with high morale and a sense of belonging.

## Benefits to Management

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- ▶ ..... An open communication channel with union.
- ▶ ..... Forum to review business conditions, product quality and development and other matters reflecting the employees role in the success or failure of the business.
- ▶ ..... Opportunity for advance discussions of operational problems, planning and scheduling.
- ▶ ..... A means of communication with all levels of workers.
- ▶ ..... A means of handling some problems before they build and become contract issues.

## Benefits to the Union

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- ▶ ..... A channel of communication to top management.
- ▶ ..... An opportunity to discuss technological and operational changes with management which ultimately will affect the workers.
- ▶ ..... An avenue to express complaints that lie outside the normal grievance procedure.
- ▶ ..... Allows management to understand that the union is responsible, constructive and able to discuss other issues rather than simply processing grievances.

## **Prerequisites for a successful Labour Management Committee**

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- ▶ ..... Committee activities should be carried out jointly.
- ▶ ..... Parliamentary immunity must be enforced.
- ▶ ..... Meetings must be held regularly.
- ▶ ..... Programs initiated by the Labour Management Committee should be publicized.
- ▶ ..... The union must elect or appoint its own members to the Labour Management Committee.
- ▶ ..... Both parties must agree on the:
  - Terms of Reference and  
Authority of the Committee
- ▶ ..... Both parties must be committed to cooperating with each other.

## **Starting a Labour-Management Committee**

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### Philosophy

- ▶ ..... Both sides must agree it is in their own best interests to create a constructive union management relationship.
- ▶ ..... Both sides must use their top people and involve them to the degree possible.
- ▶ ..... Both parties must be totally committed to the establishment of a Labour Management Committee.

### Steps to follow

#### 1) ..... Initial Discussions

- either party puts forth idea of a Labour Management Committee or at the mediator's suggestion both sides examine the concept.
- If suggested by the union to the mediator (normally the case) then call management and gauge receptiveness.
- If both sides are receptive arrange separate preliminary meetings and give each a brochure.

#### 2) ..... Preliminary Meetings

- A) Discuss with both sides the following points:
  - I) Size of organization.
  - II) How many different departments within the organization are there?
  - III) "Terms of Reference" as they apply to an effective and efficient Labour Management Committee.

- IV) Thorough discussions determine main problem areas and provide short agenda for 1<sup>st</sup> meeting covering least controversial issue.
- V) Advise each to bring their representatives to next meeting (note: equal numbers on each side).

3) ..... First official meeting of Labour Management Committee

- I) Introductions
- II) Proceed through Terms of Reference and get agreement from both parties on wording.
- III) Act as Chairperson and ask if the new Co-chairpersons wish to take over at next meeting.
- IV) Run over short agenda and discuss as necessary.

4) ..... Second and subsequent meetings

- I) Labour Management Committee should be functioning on its own with the mediator observing and assisting as determined by the parties.
- II) Mediator involvement should last a minimum of 3 or 4 meetings. Some committees will require more assistance than others.

## Size of the Committee

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- ▶ ..... Variable and dependent on the size and structure of the organization in question.
- ▶ ..... Ideally there should be one representative from each “natural section” within the organization.
- ▶ ..... General rule of thumb:

<u>Number of employees</u>	=	<u>Size</u>
75 or less	=	4-6
100 - 200	=	4-8
200 - 500	=	8-10
500+	=	12

NOTE:

If there are 12 or more on the Committee it is strongly suggested sub-committees be used to facilitate the effectiveness of the Committee. Creation of a separate committee may be considered as well.

Regardless of size the number of representatives from each side should be equal.

## Role of the Chairperson

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- ▶ ..... Both parties on the Committee elect their own Chairperson and Alternate Chair duties between them.
- ▶ ..... Basic duty is to conduct the meeting in an orderly manner.
- ▶ ..... Must be impartial, knowledgeable about the operation and display leadership.
- ▶ ..... Maintains good communications during the meeting, keeps the Committee on track and on the agenda. Insure full discussion on agenda items.
- ▶ ..... Prepares agenda with secretary and ensures priorities are mutually agreeable.
- ▶ ..... Ensures follow-through on committee decisions.
- ▶ ..... From time to time seeks advice from experts not necessarily on the Committee.
- ▶ ..... Briefs new committee members on committee's history and current undertakings.

## Role of the Secretary

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- ▶ ..... Coordinates the work of the Committee and Chairperson.
- ▶ ..... Prepares agenda with Chairperson a few days before the Labour Management Committee meeting and gives copy to committee members.
- ▶ ..... Responsible for correspondence and bringing it to the committee's attention.
- ▶ ..... Keeps accurate notes and summarizes discussions on key points.
- ▶ ..... Ensures minutes are sent to each co-chairperson for concurrence and (that) the minutes are posted on the appropriate bulletin boards (usually 2-3 days after the Labour Management meeting).
- ▶ ..... Encourages people to submit ideas to the Labour Management Committee.

## Role of the Employer Co-chairperson

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- ▶ ..... Communication link between the Committee and top management.
- ▶ ..... Must be acquainted with overall operation and be able to communicate with top policy makers.
- ▶ ..... Discusses with management their problems, ideas and prepares items for agenda.
- ▶ ..... At the meetings puts forth management's view on the issues.
- ▶ ..... Obtains necessary information from management in order to respond to union requests for information.
- ▶ ..... Works with management in implementing recommendations agreed to by the Committee.
- ▶ ..... Reports to management on the items discussed in the Committee.
- ▶ ..... Brings items of concern to secretary who places them on the agenda.
- ▶ ..... If an urgent matter arises, can recommend to the secretary that a special meeting be called.

## Role of the Union Co-chairperson

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- ▶ ..... Communication link between employees and the committee.
- ▶ ..... Keeps union people informed as to what's being done.
- ▶ ..... Brings items of concern to secretary who places them on the agenda.
- ▶ ..... If an urgent matter arises, can recommend to the secretary that a special meeting be called.
- ▶ ..... Obtains a consensus on agenda items from fellow workers prior to meeting and does not reflect just committee member's opinions.
- ▶ ..... At meeting puts forth workers view and obtains information for them.
- ▶ ..... Discusses minutes with workers and explains rationale for action taken.
- ▶ ..... If the union wishes, the LMC reports can be included in the union's regularly scheduled meetings.

## Role of Mediation Services

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- ▶ ..... At the party's discretion the Industrial Relations Branch's involvement may vary from formal to informal.
- ▶ ..... Informal assistance might mean merely appearing as an observer, distributing brochures or providing relevant information.
- ▶ ..... Formal help could mean actually setting up a Labour Management Committee for the parties and chairing the first few meetings.
- ▶ ..... Monitor the minutes of the Labour Management Committees who file them with us.

## **Potential subjects for Labour Management Committees**

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- ▶ ..... Planning for introduction of new equipment.
- ▶ ..... Defining and publicizing quality problems.
- ▶ ..... Improving quality of workmanship and reducing re-work.
- ▶ ..... Training of new employees.
- ▶ ..... Training employees and supervisors in new skills.
- ▶ ..... Using production time and facilities more efficiently.
- ▶ ..... Reducing equipment breakdown and delays in repair.
- ▶ ..... Redesigning jobs.
- ▶ ..... Defining and resolving broad problems in contract administration.
- ▶ ..... Reducing absenteeism, tardiness and unnecessary idle time.
- ▶ ..... Establishing productivity and job-security programs.
- ▶ ..... Establishing profit-sharing programs.
- ▶ ..... Improving plant security and safety.
- ▶ ..... Shop stewards and line foremen courses with guest speakers, films etc.
- ▶ ..... Facts vs. Rumours.
- ▶ ..... Encouraging employee suggestions.

## Terms of Reference

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The purpose of the Terms of Reference is to establish ground rules for the Committee in order that it can perform its function effectively.

Attached as Appendix "A" is a sample of a general Terms of Reference document. This "constitution" should be one of the first items addressed by the parties at the initial Labour Management Committee meeting.

In brief, the terms should cover the following areas:

- preamble (statement of purpose)
- name of the committee
- purpose and function
- membership and terms of office
- frequency of meetings
- duties of the officers
- parliamentary immunity
- provision for subcommittees and/or satellite committees and amendments.

## **Sample Committee Agenda**

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### General

1. Call meeting to order
2. Introduction of guests
3. Minutes of previous meeting
4. Correspondence
5. Sub-committee reports
6. Unfinished business
7. New business
8. Adjournment

### Detailed Committee Agenda

- Call to order (introduce and new committee members and guests).
- Reading and adoption of minutes of previous meeting.
- Unfinished business and matters arising out of the minutes.
- Correspondence.

### Sub-committee Reports

- A. Safety (campaign reports including better housekeeping).
- B. Publicity (staff newsletter, bulletin board posters, etc.)
- C. Public relations (any customer problems or complaints?).
- D. Education and training.
- E. Staff recreation (is there some program for everyone?).

- F. Communications (are new work techniques or changes being contemplated?).

New Business

- A. Employee suggestions (for improving efficiency).
- B. Topic of the month (let's discuss).

Information

- A. Management report (on progress of the establishment, trends, etc.)
- B. Employee report (employee reactions, opinions).
- C. Interdepartmental report (all units functioning smoothly?).

Next meeting: Date, Time, Place, Monthly topic.

## Minutes

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- ▶ ..... Are kept by the committee's secretary.
- ▶ ..... A permanent record of LMC meetings.
- ▶ ..... Should explain decisions reached and a résumé of the discussions.
- ▶ ..... Should reflect any unresolved problems which will be added to a later agenda.
- ▶ ..... Should be accurate and concise.

## **Relationship to the Grievance Procedure**

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The usual rule is that the grievance procedure frequently defines general problems that need joint study. Such studies fit into the Labour Management Committee format because an effective solution is desired by both sides. However, discipline or individual grievances must be barred from the Labour Management Committee meetings.

## **Relationship with Collective Bargaining**

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The LMC cannot be used for collective bargaining. But the line between joint problem-solving and bargaining can become very vague. However, confusion can be eliminated, if the parties retain the option of deferring the matter to the negotiations forum whenever their positions are different.

## **Summary**

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In general, the Committee has no authority to change, delete or modify any of the terms of the existing collective agreement, nor to settle grievances arising under the agreement.

## Problems Inherent in Joint Action

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- ▶ ..... Requires sincere people who are willing to give it a try. Management has an understandable anxiety of such committees as a vehicle for encroaching on its right to manage.
- ▶ ..... Union representatives are susceptible to the political implications of how their members might view their participation in LM Committee meetings.
- ▶ ..... The problem-solving approach of the (LM) Committee does not imply a shifting or reduction of power. It is simply a better means of communicating and exercising responsible leadership.

## **General Do's for Effective Operation**

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Once the (LM) Committee has been set up and organizational items have been agreed upon, the success of the committee depends on the parties. Based on past experience, some of the “Do’s” and “don’t’s” that provide the framework for success are identified.

- DO** Keep the discussion centered on the issue involved.
  
- DO** Keep personalities from becoming involved.
  
- DO** Hold all meetings as scheduled. Cancel meetings only in an emergency.
  
- DO** Be prompt in attending the meeting.
  
- DO** Submit the agenda in advance to allow the opposite party sufficient time to investigate problems.
  
- DO** In submitting the agenda, identify all items to be discussed.
  
- DO** Maintain an agreed-to procedure on recording and drafting of minutes, as well as methods of distribution.
  
- DO** Maintain accurate minutes on subjects discussed at the previous meetings that have been “completed” or “resolved” as well as those items still “open”.
  
- DO** Be sure the Committee concept is explained and understood by employees and supervisors.

## **General Don'ts for Effective Operation**

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- DON'T** Start the first meeting with extremely difficult issues. Get accustomed to this problem-solving technique by first tackling minor problems.
  
- DON'T** Allow the meetings to become gripe sessions.
  
- DON'T** Deal in generalities. Be specific about the problem and its suggested correction.
  
- DON'T** Anticipate that you know the answer to a question before it has been discussed. Ask questions to get the facts.
  
- DON'T** Treat any issue on the agenda as being unimportant. Each item on the agenda deserves thorough investigation and discussion.
  
- DON'T** Delay in communicating solutions developed for serious problems, or the outcome of issues discussed.
  
- DON'T** Start scheduled meetings late, or drag them on beyond the allotted time. This has often brought failure.
  
- DON'T** Look for immediate results.

and remember, it is important that less serious problems be discussed initially to familiarize everyone with the Committee operation and the process of working together to solve problems.

### **Why some Labour Management Committees are not successful**

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- ▶ Lack of leadership from the co-chairpersons.
- ▶ Purpose of Committee not clearly defined or adhered to.
- ▶ Lack of involvement from senior management and/or union executive.
- ▶ Personal attacks/lack of immunity.
- ▶ Apathy.
- ▶ Poorly organized agendas.
- ▶ Degeneration into mere gripe sessions.
- ▶ No follow-up on committee's recommendations.

### **General reasons for a successful Labour Management Committee**

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- ▶ Regular meetings.
- ▶ Top level involvement and support.
- ▶ Sound structure and direction.
- ▶ Good minutes.
- ▶ Good agenda distributed well in advance.
- ▶ Prompt follow-up on committee's recommendations.

## Appendix "A"

### TERMS OF REFERENCE LABOUR MANAGEMENT COMMITTEE

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#### Preamble

Recognizing the community of interest in the efficient and economic operation of this Organization or Department and believing that the basis of good labour relations rests upon satisfactory communication and co-operation within the organization, management and the (name of union) hereby agree to work together in the formation and operation of a LM Committees.

1. Name of Committee

The name of the committee shall be \_\_\_\_\_.

2. Purposes and Functions

- a) To promote better communications, mutual respect and understanding throughout the system.
- b) To promote fuller understanding and confidence between management and labour and to maintain harmonious relations between them.
- c) To discuss ways and means of improving work methods and conditions of work, staff development and new procedures and policies.
- d) To receive details of proposed operational changes, whenever possible.
- e) To discuss interpretations of the collective agreement as it relates to policy.
- f) Other matters as agreed to mutually by the Committee.

3. Membership

The Committee shall be composed of representatives of the union and management. Management representatives will be designated by management and union representatives will be appointed or elected by the union. Ideally, representatives shall be chosen to serve for a period of at least one year. For the benefit of continuity, there will be available for both parties, alternate members to attend and participate fully in the committee meetings.

4. Observers and Guests

Upon mutual agreement, the Committee may:

- i) call or permit the attendance of resource personnel.
- ii) provide for the attendance of observers.

5. Sub-Committees

The Committee shall have the power to appoint whatever sub-committee it feels is necessary to assist in carrying out its duties and functions.

6. Officers

The officers shall consist of two co-chairpersons and a secretary. The chairperson shall revolve within the committee as decided by the committee. The secretary shall be responsible for the preparation and distribution of agenda, minutes and all relevant correspondence, as determined by the committee. The minutes of all meetings must be signed by both co-chairpersons prior to distribution.

7. Agenda

Agenda items must be submitted to the secretary ten days prior to the meeting. An agenda will be prepared and circulated to members of the committee five days prior to the meeting. The committee will establish the agenda.

8. Meetings

Meetings will be held on employer premises at a mutually convenient but regular date. Such dates will be chosen by the committee.

9. Parliamentary Immunity

Any committee representative, either union or management, shall be free to discharge his/her duties in an independent manner without fear that his/her individual relations with the system and/or union be affected by any action taken by him/her in good faith in his/her representative capacity.

10. Terms of Reference

Terms of Reference can be amended and/or changed at any meeting of the committee by mutual agreement.

11. Agenda and minutes distribution list

- a) All committee members.
- b) Department Supervisor or Employee Relations.
- c) Union office.
- d) Mediation services.
- e) File copy.
- f) Bulletin boards.

## Sample Document

Name of Employer

and

Name of Union

### **LABOUR MANAGEMENT COMMITTEE**

#### **TERMS OF REFERENCE**

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#### **ARTICLE 1 - PURPOSE**

To investigate, study and discuss possible solution to mutual problems affecting labour-management relations; to improve communications and working relations between the Employer, Union representative and Employees.

#### **ARTICLE 2 - REPRESENTATION**

Management - Decision Makers of Labour Management Committee.

Union - President, First Vice President, Chairperson - Grievance Committee, Secretary.

#### **ARTICLE 3 - THE CHAIR**

The New Brunswick Department of Post-Secondary Education, Training and Labour will provide a Chairperson to assist in the formation of the initial stages of development of the Committee. The members of the Committee representing the employer (**or alternating between management and union**) and the employee representative shall each appoint a co-chairperson.

#### **ARTICLE 4 - REPORTING**

Topics will be recorded as they are discussed. The Employer will be responsible for providing a recording secretary to prepare the minutes (**or alternate recording secretary role**). The co-chairpersons shall meet to determine the final form of the minutes and shall indicate their conditional approval by affixing their signatures. Minutes of each meeting of the Committee shall be prepared and signed by the co-chairpersons within one (1) week after the meeting. The minutes shall be posted by the parties three (3) days after they have been signed by the co-chairperson.

#### **ARTICLE 5 - DATE AND TIME OF MEETINGS**

Meetings shall be held once a month on the first Tuesday of each month. They shall be limited to two (2) hours in duration and begin at 2:00 p.m.

#### **ARTICLE 6 - AGENDA**

An agenda shall be submitted to the members of the Committee at least one (1) week in advance of the meeting by the co-chairperson.

The agenda for each meeting shall include a brief description of each item to be discussed. Other items may be added to the agenda by the mutual consent of the co-chairpersons.

Discussion of the agenda topics will be alternated, with the party occupying the chair exercising the right to designate the first topic.

#### **ARTICLE 7 - GENERAL DUTIES**

- 7.1 It is recognized that recommendations growing out of these meetings are not binding but are made in good faith.
- 7.2 No grievances which have proceeded to steps in the grievance procedure shall be discussed at meetings of the Committee, although topics that could lead to future grievances may be discussed.
- 7.3 No bargaining respecting changes to the collective agreement will take place at meetings of the Committee.
- 7.4 The chairperson shall recognize a motion from either party to table an agenda item for further study and report back to the next meeting.

- 7.5 Each person wishing to speak shall be recognized by the chairperson before speaking.
- 7.6 Members of the Committee will have immunity from adverse treatment as a result of statements made in the Committee.
- 7.7 Subject to 7.4, above each agenda item shall be discussed fully and action reached before proceeding to another item. Where mutually satisfactory decisions are not reached, the item may be cancelled, reverting to its proper place in the labour-management relationship - for instance, grievance procedure, negotiation, etc.

### **ARTICLE 8**

These Terms of Reference may be amended from time to time by agreement.

### **ARTICLE 9**

At each meeting of the Committee, decisions which were made at previous meetings will be reported as implemented, or as not implemented, as the case may be.